

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN FARMER,

Plaintiff,

Case No. 14-cv-13023

Hon. Matthew F. Leitman

v.

EXPERIAN INFORMATION
SOLUTIONS, INC., *et al.*,

Defendants.

ORDER DISMISSING AMENDED COMPLAINT WITHOUT PREJUDICE

On March 12, 2015, the Court granted a motion by Gary D. Nitzkin, counsel for Plaintiff Brian Farmer (“Farmer”), to withdraw from this action. (*See* the “Order,” ECF #53.) The Court also ordered Farmer to “either (1) retain new counsel, who shall file a notice of appearance with the [C]ourt no later than April 17, 2015; or (2) notify the Court in writing ... that he intends to proceed *pro se* and confirming his mailing address by no later than April 17, 2015.” (*Id.* at 2.) The Court specifically cautioned Farmer that “failure to comply with any portion of th[e] Order may result in dismissal of this action.” (*Id.*) Farmer was served with a copy of the Order on March 13, 2015. (*See* ECF #54.)

The deadline for complying with the Order has passed. Farmer has not notified the Court that he intends to proceed *pro se*, nor has new counsel for Farmer filed a notice of appearance with the Court.

Farmer served a copy of his Complaint on Defendant Hillcrest Davidson & Associates (“Hillcrest”) on February 23, 2015 (when he was still represented by counsel). (See ECF #49.) The deadline for Hillcrest to respond to the Complaint has passed. However, Farmer has not sought the entry of a default as to Hillcrest. Nor has Farmer sought to advance this action in any other way since the entry of the Order.

The Court may dismiss an action for failure to comply with a court order and/or for failure to prosecute. See Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962). Despite the Court’s specific warning that his failure to comply with the Order by April 17, 2015, could result in dismissal, Farmer did not comply. Moreover, Farmer has failed to prosecute the action as to Hillcrest. Accordingly, dismissal of the action is warranted.

For the reasons explained above, **IT IS HEREBY ORDERED** that Farmer’s Amended Complaint (ECF #23) is **DISMISSED WITHOUT PREJUDICE**. This matter is closed.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 1, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 1, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113